

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Trovon Acquarius Keith,

Plaintiff,

v.

Larry Cartledge; Florence Mauney;
Major Early; Rhonda Abston; Captain
Degeorgis; Sergeant Eich; William R.
Byars Jr.; Jon Ozmint; and Ms. Harris,

Defendants.

No. 1:13-cv-1131-RMG

ORDER

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge ("R&R") that this Court deny several motions filed by Plaintiff, (Dkt. Nos. 19, 38, 40, 42, 45, 49, 52, 56). For the reasons set forth below, the Court adopts the R&R as the order of the Court and therefore denies these motions.

Background

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (Dkt. No. 1). Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) DSC, this matter was automatically referred to a Magistrate Judge for pretrial handling. Since commencing this action, Plaintiff has filed motions requesting transfer, (Dkt. Nos. 19, 56), for an order requiring Defendants to take medical exams, (Dkt. No. 38, 40), requesting that he be provided certain medication, (Dkt. No. 45), for a preliminary injunction relating to legal materials, (Dkt. No. 52), and for entry of default against Defendants Harris, (Dkt. No. 42), and Ozmint, (Dkt. No. 49). On September 5, 2013, the Magistrate Judge issued an R&R recommending the Court deny these motions. (Dkt. No. 59). Plaintiff failed to file timely objections to the R&R.

Legal Standard


The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

Discussion

The Magistrate Judge liberally construed the pleadings, accurately summarized the law, and correctly concluded that the Court should deny these motions. The Magistrate Judge accurately set forth the legal standard regarding preliminary injunctions and properly found the Plaintiff could not satisfy that exacting standard. Accordingly, the Court agrees that Plaintiff’s motions requesting injunctive relief should be denied. (Dkt. Nos. 19, 38, 40, 45, 52, 56). Further, the Court agrees that Plaintiff is not entitled to entry of default as to Defendants Harris, (Dkt. No. 42), and Ozmint, (Dkt. No. 49), because these Defendants filed timely Answers.

Conclusion

For the reasons set forth above, the Court agrees with and adopts the R&R as the order of the Court. (Dkt. No. 59). Accordingly, the Court DENIES Plaintiff’s motions listed in the R&R. (Dkt. Nos. 19, 38, 40, 42, 45, 49, 52, 56).


Richard Mark Gergel
United States District Court Judge

September 3rd, 2013
Charleston, South Carolina